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EXAMINER INTERVIEW

The undersigned wishes to express his sincere thanks to Examiner Choi for his time and understanding during the Examiner Interview held on July 26, 2007.

During the Interview discussion was held relative to the proper listing of claims pending in the application. It was agreed that claims 73 and 75-81 were inadvertently ommitted from the Office Action and claims 64 and 66-72 were inadvertently ommitted from the recitation of claims on the Summary Page, though mentioned in the body of the rejection.

During the Interview the Exminer confirmed the undersigned's understanding that only the double patenting rejections remained relative to those claims drawn to the polymer compositions, namely claims 38, 40-43, 45, 53, 54, 56, 61, 73, 75-85; while the art rejections were maintained relative to the additive claims, namely claims 2, 3, 6, 7, 10-12, 14-21, 51-52, 60, 64, 66-72.

Finally, as discussed, in an effort to move this application to allowance, the undersigned has cancelled (without prejudice) those claims pertaining to the additives themselves and is pursuing only claims to the polymer compositions. The Examiner has indicated that such claims would receive a favorable outcome once the Double Patenting rejection was addressed.

REMARKS

Claims 2, 3, 6, 7, 10-12, 14-21, 38, 40-43, 45, 51-54, 56, 60, 61, 63, 64, 66-73 and 75-85 are pending in the application. By the July 25, 2007 Office Action, all claims stood rejected. By this amendment, claims 2, 3, 6, 51, 52, 60, 64 and 66-71 have been cancelled without prejudice; claims 7, 10-12, 14-21 and 72 have been amended and new claims 86-93 have been added. Applicants believe the claims as now presented are allowable. Applicants reserve the right to file a continuation application to the claims directed to the additives themselves and make no

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comment or representation, nor is any to be inferred, as to the validity or strength of the rejection of those claims.

Additionally, Applicants acknowledge, with thanks, the withdrawal of the election of species requirement and the subsequent reinstatement of claims 41, 43, 82 and 83.

Claim Amendments

The amendments to the claims merely bring forth further limitations that had been presented relative to the antimicrobial agents. Rather than recite each claim, the undersigned has merely changed the dependency from the respective additive claim to the corresponding polymer composition claim.

New claims 86-93 merely recite further limitations pertaining to the antimicrobial additive component and correspond to claims 16-21, 43 and 45, respectively.

No new matter is presented as all claims are fully supported by the claim set pending prior to this amendment.

Claim Rejections

Non-Double Patenting Rejections

The rejection of claims 2, 3, 6, 7, 10-12, 14-21, 51, 52, 60, 63, 64 and 66-72 in view of the cited art are moot in light of the foregoing amendment either canceling the claims or amending the claims to be dependent upon a claim not subject to an art rejection. Thus, it is respectfully requested that the rejection be withdrawn and the remaining claims be passed on to allowance.

Double Patenting Rejection

Claims 2, 3, 6, 7, 10-12, 14-21, 38, 40-43, 45, 51-54, 56, 60, 61, 63, 64, 66-73, 75-85 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 11/336,699. Applicants respectfully request that the provisional double patenting rejection be withdrawn and this application passed on to allowance.

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As set forth in MPEP §804(1)(B)(1), "If 'provisional' ODP rejections in two applications are the only rejections remaining in those applications, the examiner should withdraw the ODP rejection in the earlier filed application thereby permitting that application to issue without need of a terminal disclaimer." Furthermore, given that both applications have the same effective filing date (co-pending application No. 11/336,699 is a continuation of this application), withdrawal of the ODP rejection without a terminal disclaimer is appropriate as this application is the "base invention" as between the claimed invention of the two applications.

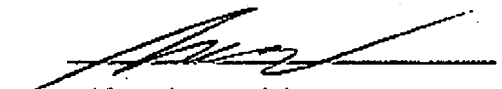
Thus, withdrawal of the provisional obviousness-type double patenting rejection without a terminal disclaimer is appropriate in this application and such withdrawal is respectfully requested.

Conclusion

In light of the foregoing amendments and the discussion relative to the provisional obviousness-type double patenting rejection, it is believed that the claims as now presented are in allowable form and present patentable subject matter. Consequently, it is respectfully requested that a Notice of Allowance be issued so that this patent may promptly proceed to grant and issuance.

In the event that any issues require further resolution, the examiner is respectfully requested to contact the undersigned attorney at (781) 718-9512 to discuss the same so that the prosecution of this application can be concluded in favor of issuance of a US Patent.

Respectfully submitted,



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